

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Hakeem Jabbar-El,)	
)	
Plaintiff,)	
)	Civil Action No. 2:14-1789-SB
v.)	
)	<u>ORDER</u>
Dana Tumbleston, Human Resources)	
Manager,)	
)	
Defendant.)	
_____)	

This matter is before the Court upon the Plaintiff's pro se complaint. By local rule, this matter was referred to a United States Magistrate Judge for preliminary determinations.

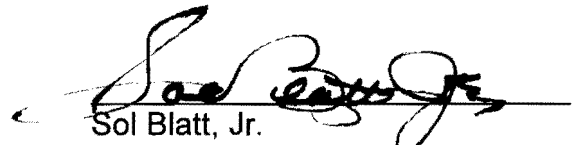
On July 15, 2014, the Magistrate Judge issued an order giving the Plaintiff 21 days to bring his complaint into proper form, with specific instructions for how to do so. The Magistrate Judge specifically warned the Plaintiff that his case may be dismissed for failure to prosecute if he failed to comply with the order's instructions.

Because the Plaintiff failed to bring his case into proper form, the Magistrate Judge issued a report and recommendation ("R&R") on September 5, 2014, recommending that the Court dismiss this action without prejudice for lack of prosecution and for failure to comply with the Court's order. In addition, the Magistrate Judge recommended that the Court deny without prejudice the Plaintiff's motion to proceed in forma pauperis, which he filed with his initial complaint in this action. Attached to the R&R was a notice advising the Plaintiff of the right to file specific, written objections to the R&R within fourteen days of the date of service of the R&R. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the R&R to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts the R&R (Entry 13) and dismisses this action without prejudice based on the Plaintiff's failure to comply with the Court's order and to properly prosecute his claims. In addition, the Court denies without prejudice the Plaintiff's motion to proceed in forma pauperis (Entry 4).

AND IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge



September 30, 2014
Charleston, South Carolina